

compares favorably to the test procedures already required by the Rule (so the amendment likely would not lessen consumer protection),⁶ the proposed amendment appears to be non-substantive under Section 18(d)(2)(B) of the FTC Act, 15 U.S.C. 57a(d)(2)(B). Because the amendment appears to be non-substantive, the Commission believes that it does not need to solicit public comment or follow the lengthy rulemaking proceedings that would be required for a substantive amendment to the rule. On the other hand, because the Commission is soliciting comments as part of its regulatory review of the Rule, the Commission has determined in its discretion to solicit comments on the proposed amendment.

IV. Solicitation of Comments

A. Regulatory Review

As part of its on-going regulatory review program for all its rules and guides, the Commission solicits public comments on the following questions:

- (1) Is there a continuing need for the R-value Rule?
 - (a) What benefits has the Rule provided to purchasers of the products or services affected by the Rule?
 - (b) Has the Rule imposed costs on purchasers?
- (2) What changes, if any, should be made to the Rule to increase the benefits of the Rule to purchasers?
 - (a) How would these changes affect the costs the Rule imposes on firms subject to its requirements?
- (3) What significant burdens or costs, including costs of compliance, has the Rule imposed on firms subject to its requirements?
 - (a) Has the Rule provided benefits to such firms?
- (4) What changes, if any, should be made to the Rule to reduce the burdens or costs imposed on firms subject to its requirements?
 - (a) How would these changes affect the benefits provided by the Rule?
- (5) Does the Rule overlap or conflict with other federal, state, or local laws or regulations?
- (6) Since the Rule was issued, what effects, if any, have changes in relevant technology or economic conditions had on the Rule?

In addition to the questions raised above, the Commission solicits comments on the following issues. First,

should the Rule be revised to require the use of different test procedures or specifications than those currently specified for certain types of products? In addition to specifying R-value test procedures, the Rule currently specifies procedures that must be followed in preparing specimens of certain types and forms of home insulation for testing under the R-value test procedures.⁷ The Rule also contains specific requirements for determining the R-values of reflective home insulation products (which perform as thermal insulation only when installed as a system with one or more air spaces).⁸ The Commission thus solicits comments concerning whether the Rule should be amended to specify different or additional test procedures or specifications for insulation products specifically addressed in the Rule.

Second, are the insulation products for which the Rule does not sufficiently address product-specific issues relating to testing or preparation of test specimens? As noted, in some instances the Rule provides particular procedures to be followed in preparing specimens for R-value testing where the Commission found there was post-installation effects (e.g., settling of loose-fill insulation products, aging of certain cellular plastics insulation products) that need to be considered. During the period since the Commission promulgated the Rule, additional home insulation products designed to slow down heat flow have been developed and automatically have been covered by the Rule. However, because these

⁷ For loose-fill cellulose insulation, the R-value tests must be conducted on test specimens prepared at the product's long-term, or settled, density, determined according to paragraph 8 of ASTM C-739-88 ("Standard Specification for Cellulosic Fiber (Wood-Base) Loose-Fill Thermal Insulation," approved Oct. 25, 1988, published April 1989). For loose-fill mineral wool insulation, the R-value tests must be conducted on test specimens that fully reflect the effect of settling on the product's R-value. For polyurethane, polyisocyanurate, and extruded polystyrene insulation, the R-value tests must be conducted on test specimens that fully reflect the effect of aging on the product's R-value, for example, specimens aged according to the procedure in paragraph 4.6.4 of General Services Administration (GSA) Specification HH-I-530A, or another reliable procedure.

⁸ For single sheet reflective foil home insulations, the Rule allows manufacturers to determine R-value according to two options: By conducting R-value tests according to ASTM C-236-87 or ASTM C-976-82; or by measuring the emissivity (reflectivity) of the product according to ASTM E-408 (or another test method that provides comparable results), and then determining the R-value for the measured emissivity level, and the air space and direction of heat flow for the intended application, using the tables in the most recent edition of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers' (ASHRAE) handbook (using the R-value shown for 50 °F, with a temperature differential of 30 °F).

products did not exist when the Rule was issued, the Rule currently contains no specific test specimen preparation provisions for these new products. The Commission, therefore, solicits comments on whether the Rule should be revised to specify the manner in which specimens of new products should be prepared for R-value testing to ensure that R-values and related information are accurate and based on uniform standards.

B. Non-Substantive Amendment

The Commission solicits comments concerning the Petition and the Commission's proposal to adopt a non-substantive amendment to the Rule that would recognize ASTM C-1114-92 as an acceptable test method for determining the R-value of home insulation products under Section 460.5 of the R-value Rule, 16 CFR 460.5. Interested parties are invited to submit any data or other information relevant to whether the Commission should adopt the proposed amendment.

List of Subjects in 16 CFR Part 460

Advertising, Incorporation by reference, Insulation, Labeling, Trade practices.

Authority: 15 U.S.C. 41 *et seq.*

By the direction of the Commission.

Donald S. Clark,

Secretary.

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DEPARTMENT OF THE TREASURY

27 CFR Parts 55, 72, 178, and 179

[Notice No. 807]

RIN 1512-AB35

Implementation of Public Law 103-322, the Violent Crime Control and Law Enforcement Act of 1994 (94F-022P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Proposed rulemaking cross referenced to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing temporary regulations regarding the implementation of Public Law 103-322, the Violent Crime Control and Law Enforcement Act of 1994. These regulations implement the law by restricting the manufacture, transfer, and possession of certain semiautomatic assault weapons and large capacity

⁶ The test procedure already is recognized by the industry as an accurate and appropriate test procedure, having been adopted as an official ASTM procedure after going through ASTM's consensus approval process.

ammunition feeding devices. Regulations are also prescribed with regard to reports of theft or loss of firearms from a licensee's inventory or collection, new requirements for Federal firearms licensing, responses by firearms licensees to requests for gun trace information, and possession of firearms by persons subject to restraining orders. The temporary regulations also serve as the text of this notice of proposed rulemaking for final regulations.

DATES: Written comments must be received on or before July 5, 1995.

ADDRESSES: Send written comments to: Chief, Regulations Branch; Bureau of Alcohol, Tobacco and Firearms; P.O. Box 50221; Washington, DC 20091-0221; Attn.: Notice No. 807.

FOR FURTHER INFORMATION CONTACT: James P. Ficareta, Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-927-8230).

SUPPLEMENTARY INFORMATION:

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined in E.O. 12866, because the economic effects flow directly from the underlying statute and not from this temporary rule. Therefore, a regulatory assessment is not required.

Regulatory Flexibility Act

It is hereby certified that these proposed regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The revenue effects of this rulemaking on small businesses flow directly from the underlying statute. Likewise, any secondary or incidental effects, and any reporting, recordkeeping, or other compliance burdens flow directly from the statute.

Paperwork Reduction Act

The collections of information contained in this notice have been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments on the collections of information should be sent to the Office of Management and Budget, Paperwork Reduction Project 1512-0526, Attention: Desk officer for the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Office of Information and Regulatory Affairs, Washington, DC 20503, with

copies to the Chief, Information Programs Branch, Room 3450, Bureau of Alcohol, Tobacco, and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226.

The collections of information in this proposed regulation are in 27 CFR 178.40(c), 178.40a(c), 178.129(e), 178.132, and 178.133. This information is required by ATF to ensure compliance with the provisions of Pub. L. 103-322 (108 Stat. 1796). The likely respondents and recordkeepers are individuals and businesses. Estimated total annual reporting and recordkeeping burden: 2.52 hours. Estimated number of respondents and recordkeepers: 2,206,555. Total annual hours requested: 699,863. Additional collections of information contained in this proposed regulation which have approved control numbers are in §§ 178.39a (OMB No. 1512-0524), 178.47 (OMB Nos. 1512-0522 and 1512-0523), 178.52 (OMB No. 1512-0525), and 178.119 (OMB Nos. 1512-0017, 1512-0018, and 1512-0019).

Public Participation

ATF requests comments on the temporary regulations from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing is necessary.

The temporary regulations in this issue of the **Federal Register** amend the regulations in 27 CFR Parts 55, 72, 178, and 179. For the text of the temporary regulations, see T.D. ATF-363 published in the Rules and Regulations section of this issue of the **Federal Register**.

Drafting Information

The author of this document is James P. Ficareta, Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Signed: February 10, 1995.

Daniel R. Black,
Acting Director.

Approved: February 27, 1995.

John P. Simpson,
Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).
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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 902, 926, 934, and 950

Alaska, Montana, North Dakota, and Wyoming Regulatory Programs

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Announcement of public comment period and opportunity for public hearing.

SUMMARY: OSM is requesting public comment that would be considered in deciding how to implement in Alaska, Montana, North Dakota, and Wyoming underground coal mine subsidence control and water replacement provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the implementing Federal regulations, and/or the counterpart State provisions. Recent amendments to SMCRA and the implementing Federal regulations require that underground coal mining operations conducted after October 24, 1992, promptly repair or compensate for subsidence-caused material damage to noncommercial buildings and to occupied dwellings and related structures. These provisions also require such operations to promptly replace drinking, domestic, and residential water supplies that have been adversely affected by underground coal mining.

OSM must decide if the Alaska, Montana, North Dakota, and Wyoming regulatory programs (hereinafter referred to as the "Alaska, Montana, North Dakota, and Wyoming programs") currently have adequate counterpart provisions in place to promptly implement the recent amendments to SMCRA and the Federal regulations. After consultation with Alaska, Montana, North Dakota, and Wyoming and consideration of public comments,